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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,055	09/28/2001	Jerald C. Seelig	619.438 ACC.UA-Heads	4911

21707            7590            09/11/2003  
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[REDACTED] EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 09/11/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/967,055	SEELIG ET AL.
	Examiner Carmen D. White	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 24 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-61 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13-30 and 40-61 is/are allowed.
- 6) Claim(s) 1-12 and 31-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 24, 2003 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-11 recite the limitation "the primary gaming device" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, 12, 31, 35-36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Orr* (GB2169737A) in view of *Baerlocher* et al (6,315,664).

Regarding claims 1, 5-6, 31, 35 and 39, Orr teaches a gaming bonus device for use in a gaming system that comprises a primary gaming device randomly generating a bonus qualifying event; and a bonus game acting in response to the bonus qualifying event, which generates and displays at least one outcome, the bonus game comprising two possible symbols {two cards} that may be displayed, each outcome determined by the symbol is displayed, the outcome entitling a player to a predefined payout (abstract #54 and page 1). Orr is silent regarding the explicit teaching of the predefined payout depending upon a number of similar binary symbol outcomes displayed. In an analogous bonus probability game, Baerlocher teaches the feature of paying the player a predefined {cumulative} payout depending upon a number of similar {success indicator} symbol outcomes displayed (col. 2, lines 53-64). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature, as taught by Baerlocher, in Orr to increase the player's earnings and thereby increase excitement and anticipation for playing the game.

Regarding claims 7 and 12, Orr and Baerlocher teach all the limitations of the claims as discussed above. While Orr and Baerlocher teach the generation and display of subsequent outcomes, the references are silent regarding the explicit teaching of three. The machines of Orr and Baerlocher are functionally capable of achieving this feature. It would have been obvious to a person of ordinary skill in the art at the time of

the invention to incorporate this feature into Orr and Baerlocher to increase the player's winnings.

Regarding claim 36, Orr and Baerlocher teach all the limitations of the claim as discussed above. The references are silent regarding the feature of a multiplier. However, the examiner takes notice that it is well known in the art to include multipliers in games of slot machines. This increases the players' payouts, which motivates the players to play the machines. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Orr, Baerlocher and Gutknecht.

Claims 2-4, 8-11, 32-34 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orr** (GB2169737A) in view of **Baerlocher** et al (6,315,664), further in view of **Gutknecht** (5,154,420).

Regarding claims 2, 8, 11 and 32-33, Orr and Baerlocher teach all the limitations of the claims as discussed above. Orr and Baerlocher lack the explicit disclosure of the outcomes being determined by spinning coins. In an analogous gaming apparatus, Gutknecht teaches the use of a coin to display game outcomes (Fig. 1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the symbol displays of Orr and Baerlocher to include the display of spinning coins to indicate the outcome in order to add a familiar, aesthetic appeal to the game, which would thereby attract more players to the game.

Regarding claims 3-4, 9-10, 34 and 37-38, Orr, Baerlocher and Gutknecht teach all the limitations of the claims as discussed above. The references are silent regarding

the feature of a random multiplier generator associated with the bonus game. However, the examiner takes notice that it is well known in the art to include multipliers in bonus/secondary games of slot machines. This increases the players' payouts, which motivates the players to play the machines. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Orr, Baerlocher and Gutknecht.

***Allowable Subject Matter***

Claims 13-30 and 40-61 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach the feature of "the player selecting one of two possible symbols as a winning outcome".

***Examiner's Response to Applicant's Remarks***

Applicant's amendments have been persuasive in overcoming the prior art rejection of Thompson. The examiner has updated the search and made a new art rejection, above, which cites the *Orr* (previously cited as pertinent prior art) and *Baerlocher et al* references (not used in previous art rejections). Therefore, Applicant's arguments are moot in light of the new grounds of rejection. The examiner has attached a copy of the Interview Summary from the interview conducted with Applicant's representatives, Ian Burns and Ryan Heck (6/10/03) to this office action.

***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-

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5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



CDW



S. THOMAS HUGHES  
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